

Introduced by Senator Cedillo

February 16, 2006

An act to add Section 851.91 to the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, as introduced, Cedillo. Criminal procedure: release from custody in jail.

Existing law generally regulates the conditions of arrest and release from custody.

This bill would state findings and declarations of the Legislature relative to "homeless dumping," as defined.

This bill would require any person who has been released from the custody of a police department or arresting agency to be released within the boundaries of the jurisdiction of the arresting agency. The bill would prohibit persons who have been arrested and who are in need of drug treatment, mental health services, or homeless services from being transported upon or after release out of their cities into neighboring cities, localities, or jurisdictions unless they are transported directly to be enrolled for treatment, available space at the service provider has been confirmed, and they are transported to the receiving area of the service provider by the arresting agency.

By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) Many cities and local arresting agencies transport persons
4 in need of drug treatment, mental health, or homeless support
5 services to other jurisdictions because of the presence of service
6 providers, regardless of available treatment beds.

7 (b) The act of transporting those persons in need to the streets
8 where service providers are present without confirming the
9 availability of services is known as “homeless dumping.”

10 SEC. 2. Section 851.91 is added to the Penal Code, to read:

11 851.91. (a) Any person who has been released from the
12 custody of a police department or arresting agency shall be
13 released within the boundaries of the jurisdiction of the arresting
14 agency.

15 (b) Those persons who have been arrested and who are in need
16 of drug treatment, mental health services, or homeless support
17 services shall not, upon or after release, be transported out of
18 their cities into neighboring cities, localities, or jurisdictions
19 unless they are transported directly to be enrolled for treatment,
20 available space at the service provider has been confirmed, and
21 they are transported to the receiving area of the service provider
22 by the arresting agency.

23 SEC. 3. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.